

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.) 23-MJ-05115-JGD
)
)
FRANCISCO SEVERO TORRES)

MOTION TO SEAL GOVERNMENT EXHIBIT THREE

Now comes the defendant Francisco Severo Torres and moves this Honorable Court to seal the government's Exhibit 3 in support of its Motion for Competency Evaluation. Dkt. 12. Exhibit 3 is the video recording of the defendant's post-arrest interview. Dkt. 13. The video of the interview was not played in open court. The government takes no position on the Motion to Seal.

The defendant's recorded post-arrest interview should be sealed until further order of this court pursuant to Local Rule 7.2(b). The defendant's interview is a type of evidence which is not commonly released to the public at this stage in a case. Release of a recorded interview in any type of case raises serious concerns about the potential for tainting the jury pool and creating undue prejudice against the defendant, particularly in an age when video can be copied and shared around the globe instantly and forever.

Additionally, public release of the interview video would be particularly inappropriate where the defendant's competency to stand trial has been called into question and where the interview will be a significant piece of evidence in the ultimate determination of competency. Release of the interview video will unfairly prejudice the defendant, particularly if he is determined to be incompetent. The needs to protect the integrity of the competency

determination, the defendant's right to prepare and present a defense, and the defendant's privacy interests greatly outweigh the public's interest in the interview. See *United States v. Kravetz*, 706 F.3d 47 (1st Cir. 2013).

Respectfully submitted,
FRANCISCO SEVERO TORRES
by his attorney
/s/ Joshua R. Hanye
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Certificate of Service

I, Joshua R. Hanye, hereby certify that this document was this day filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing ("NEF").

Date: March 9, 2023

/s/ Joshua R. Hanye
Joshua R. Hanye